

APPEAL NO. 041309  
FILED JULY 20, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 6, 2004. The hearing officer determined that the compensable injury of \_\_\_\_\_, includes chronic obstructive pulmonary disease (COPD), left side crush injury to the left lung, pneumothorax, and flail chest injury. The appellant (carrier) appeals these determinations on sufficiency of the evidence grounds. The respondent (claimant) urges affirmance but asserts that the hearing officer erred by not admitting Claimant's Exhibit No. 7. The claimant's brief was not timely filed as an appeal; therefore, we will not consider the claimant's point-of-error.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury of \_\_\_\_\_, includes COPD, left side crush injury to the left lung, pneumothorax, and flail chest injury. These determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The hearing officer was persuaded by the carrier's required medical examination doctor that the compensable injury included the above conditions. In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **WAUSAU BUSINESS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge